

**3105. Misbranding of canned corn. U. S. v. 429 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6248. Sample No. 74575-E.)**

This product was not of Fancy quality because of overmaturity, too much silk, husk, cob, and poor, ragged cut.

On or about November 21, 1941, the United States attorney for the District of New Jersey filed a libel against 429 cases of canned corn at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 2, 1941, by H. M. Ruff & Sons from Woodbine, Pa.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the condition shown above. The article was labeled in part: "Uco Our Best Grade Fancy Golden Sweet Whole Kernel Corn \* \* \* Uco Food Corp. Newark, N. J. Distributors."

On January 9, 1942 the Uco Food Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**3106. Misbranding of canned corn. U. S. v. 123 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6808. Sample No. 87715-E.)**

Examination showed this product was not of Fancy quality because of the presence of pieces of husk and cob.

On February 3, 1942, the United States attorney for the District of Columbia filed a libel against 123 cases of canned corn at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about January 26, 1942, by the B. F. Shriver Co. from Westminster, Md.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the presence of small pieces of husk and cob. The article was labeled in part: "Aunt Nellie's Fancy Shoe Peg White Sweet Corn \* \* \* Packed For Aunt Nellie's Farm Kitchen, Inc. Hartford, Wis."

On April 7, 1942, the B. F. Shriver Co., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

Nos. 3107 and 3108 report the seizure and disposition of canned peas that fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the fact that their alcohol-insoluble solids were more than 23.5 percent.

**3107. Misbranding of canned peas. U. S. v. 998 Cases, 899 Cases, and 99 Cases of Canned Peas. Consent decree ordering the product released under bond to be relabeled. (F. D. C. No. 5679. Sample Nos. 50877-E, 59026-E.)**

On September 12, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 998 cases (amended on or about September 26, 1941, to cover an additional 998 cases), each containing 24 cans, of peas at Richmond, Va., alleging that the article had been shipped on or about August 12, 1941, by Mason Canning Co. from Pocomoke City, Md.; and charging that it was misbranded. One lot (998 cases) was labeled in part: (Cans) "Enfield Club Early June Peas Contents 1 Lb. 4 Ozs. Standard Quality Distributed By H. P. Taylor Jr. Inc. Richmond Va." Another lot (99 cases) was unlabeled when shipped but subsequently was labeled: "Brite-Day Brand Early June Peas Contents: 1 Lb., 4 Ozs. Distributors W. M. Gary Grocery Co., Inc. Richmond, Va." The cans in 899 cases were unlabeled.

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that the alcohol-insoluble solids of the peas were more than 23.5 percent, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard. It was alleged to be misbranded further: (998 cases) In that the statement "Standard Quality" was false and misleading because it was substandard. (899 cases and 99 cases) In that it was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On September 27, 1941, Mason Canning Co. having appeared as claimant, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3108. Misbranding of canned peas. U. S. v. 742 Cases, 21 Cases, and 368 Cases of Canned Peas. Portion of product ordered released under bond for relabeling; default decree of condemnation entered as to remainder, and product ordered delivered to a local charitable agency.** (F. D. C. Nos. 6253, 6696, 6809. Sample Nos. 59959-E, 87229-E, 87420-E.)

On or about November 19, 1941, and January 23 and February 10, 1942, the United States attorneys for the Northern District of West Virginia and the Western District of Virginia filed libels against 1,110 cases each containing 24 No. 2 cans of peas at Clarksburg, W. Va., and 21 cases each containing 24 No. 2 cans of peas at Winchester, Va., alleging that the article had been shipped in interstate commerce within the period from on or about June 26 to on or about October 7, 1941, by B. F. Shriver Co. from Littlestown, Pa., and Westminster, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "World's Favorite Brand [or "New Windsor Brand"] Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard since the alcohol-insoluble solids were more than 23.5 percent, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 31, 1941, and March 21, 1942, B. F. Shriver Co. having appeared as claimant for the product seized at Clarksburg, it was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On March 26, 1942, no claimant having appeared for the peas at Winchester, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

Nos. 3109 and 3110 report the seizure and disposition of canned field peas that contained insect larvae.

**3109. Adulteration of canned field peas. U. S. v. 123 Cases of Canned Field Peas (and 4 other seizure actions against canned field peas). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5896 to 5900, incl. Sample Nos. 37095-E, 70106-E.)

On October 6, 1941, the United States attorney for the Eastern District of North Carolina filed libels against 322 cases each containing 24 cans of peas at Fayetteville, N. C., and 219 cases each containing 24 cans of peas at Dunn, N. C., alleging that the article had been shipped in interstate commerce on or about September 1 and 8, 1941, by Georgia Canning Co., Inc., from Wayside, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Shaver's Brand Young Tender Field Peas with Snaps Contents 14½ Ozs. Avoir."

On January 1, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3110. Adulteration of canned field peas. U. S. v. 99 Cases of Canned Field Peas. Default decree of condemnation and destruction.** (F. D. C. No. 6288. Sample No. 48964-E.)

On November 29, 1941, the United States attorney for the Western District of South Carolina filed a libel against 99 cases of canned field peas at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about September 29, 1941, by the Kent Canning Co., from Gibson, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Kent's Pride Georgia Field Peas With Snaps."

On January 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3111. Adulteration of canned spinach. U. S. v. 40 Cases of Canned Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 6856. Sample No. 71678-E.)

Examination showed that this product contained cockleburrs.

On February 12, 1942, the United States attorney for the Western District of Tennessee filed a libel against 40 cases of canned spinach at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 10, 1941, by Good Canning Co. from Fort Smith, Ark.; and charging that it was adulterated in that it contained an added deleterious substance,